

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

KAREN PANNELL

Plaintiff

vs.

NO.: 3:22-CV-167

**THE KROGER COMPANY AKA
KROGER LIMITED PARTNERSHIP
D/B/A KROGER STORE NUMBER K029**

Defendant.

NOTICE OF REMOVAL

Comes now the defendant, Kroger Limited Partnership I (“Kroger”), incorrectly sued as “The Kroger Company AKA Kroger Limited Partnerhsip D/B/A Kroger Store Number K029”, by and through counsel, pursuant to 28 U.S.C.A. § 1441, et seq. and the Federal Rules of Civil Procedure and hereby gives notices of its intent to remove the above-styled cause of action to the United States District Court for the Eastern District of Tennessee. For cause, the defendant would show the following:

1. The above styled-cause of action was commenced by the plaintiff filing a complaint on or about April 22, 2022, in the Circuit Court of Sullivan County, Tennessee. (exhibit 1 and exhibit 2, attached hereto). The defendant was served on May 5, 2022, and less than thirty (30) days prior to filing this Notice. (exhibit 1).

2. Plaintiff’s complaint asserts a personal injury claim for civil damages against the defendant. The plaintiff alleges that she was injured when an employee of the defendant collided into her with a grocery cart while on the defendant’s premises. The plaintiff alleges that the defendant was negligent by failing to exercise reasonable care to protect her. The plaintiff seeks damages in the amount of One Hundred Thousand Dollars (\$100,000.00). (exhibit 1 and exhibit 2).

3. Plaintiff is and alleged to be a citizen and resident of Tennessee. The defendant, Kroger Limited Partnership I, is an Ohio partnership doing business in the State of Tennessee. (exhibit 1 and exhibit 2).

4. As a result of the complete diversity of citizenship of the parties, and the fact that the plaintiff has sued the defendant in the amount, exclusive of interest and costs, exceeding Seventy-Five Thousand Dollars (\$75,000.00), the defendant avers that pursuant to 28 U.S.C.A. § 1441, et seq., it is entitled to have this action removed to this Honorable Court.

5. Less than thirty (30) days have elapsed since the defendant was served with a summons and a copy of the complaint in the above-styled cause of action.

WHEREFORE, based on the foregoing, the defendant hereby submits this notice of removal of the above-styled cause of action from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Northern Division.

Respectfully submitted:

/s/ Federico A. Flores
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FEDERICO A. FLORES, BPR #029806
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2022 the Clerk of Court was requested to file a copy of the foregoing notice of removal. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

George Todd East
121 West Market Street
Kingsport, TN 37660

/s/ Federico A. Flores
Federico A. Flores, BPR #029806